

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BUREAU OF RECLAMATION  
U.S.A., PACIFIC NW REGION  
BOX 043-550, WEST FORT STREET  
BOISE, IDAHO 83724-0043

208-334-1165

to use the waters of COLUMBIA RIVER, a tributary of PACIFIC OCEAN, for UMATILLA RIVER INSTREAM FLOW ENHANCEMENT THROUGH AN EXCHANGE WITH IRRIGATION WATER FROM THE UMATILLA RIVER. Such use is to implement the Bureau of Reclamation's Umatilla Basin Project, Phase II, authorized by Congress as P.L. 100-557, Sections 201 through 213, and shall be consistent with said legislation.

This permit is issued approving Application 71293. The date of priority is FEBRUARY 14, 1991. The use is limited to not more than 240.0 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

COLUMBIA RIVER PUMP SITE - SE 1/4 SE 1/4, SECTION 12, T 5 N, R 29 E, W.M.

Divert water at the Columbia River Pump Site, convey and release the waters in Cold Springs Reservoir for use in the Hermiston Irrigation District; convey and release the waters into the Stanfield Irrigation District system.

The applicant shall install, operate and maintain fish screening devices to the specifications of the National Marine Fisheries Service prior to the diversion of water for beneficial use.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The place of use and benefitted stream reach is for flows to be maintained in the Umatilla River from the Furnish Canal diversion at approximately River Mile 32.3 in the SW 1/4 Section 31, T 3 N, R 30 E, W.M. to its confluence with the Columbia River, located in the SE 1/4 SE 1/4, Section 18, T 5 N, R 28 E, W.M. The reaches of McKay Creek and the Umatilla River from McKay Reservoir to the Furnish Canal diversion are benefitted to the extent that exchange storage releases are protected from diversion by all appropriators throughout the reach.

Actual construction work shall begin on or before April 21, 1993, and shall be completed on or before October 1, 1996. Complete application of the water to the use shall be made on or before October 1, 1996.

Phase II project completion will be dependent upon further appropriations for funding from Congress, and thus may require extensions of the time limits imposed above. Requests for such extensions will be evaluated subject to the requirements of ORS 537.230.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

For Hermiston Irrigation District, the total quantity diverted from the Columbia River for exchange together with diversions of direct flow from the Umatilla River during a complete year shall be no greater than the limits of their Oregon water rights.

For Stanfield Irrigation District, the total quantity diverted from the Columbia River during a complete year, together with diversions from direct flow from the Umatilla River shall be equal to its legal historical average supply of Umatilla River and McKay Reservoir water. This amount shall not be greater than 34,700 acre-feet and shall be consistent with the legal limits of State of Oregon water rights.

To the extent permitted by federal law, the permittee shall comply with the requirements of the Oregon Conservation Plan for the Umatilla River Basin as it is developed; and, to the extent that said plan prescribes compliance schedules to achieve conservation standards, the permittee shall comply with said schedules.

The right to use water under this permit is contingent upon the establishment and continued operation of a system to monitor and regulate all project related water supplies, as prescribed in Section 203 of P.L. 100-557.

The final certification of this water right shall be reviewed by the Water Resources Commission. The public shall at that time have the right to provide factual information about water use under the permit to the Water Resources Commission.

The Water Resources Commission reviewed and approved this proposal on March 13, 1992.

Issued this date, April 21, 1992.

/s/ WILLIAM H. YOUNG

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Water Resources Department  
William H. Young  
Director

Ext. BC01